

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-FOURTH DAY — WEDNESDAY, APRIL 2, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 155).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Hope; Keffer, B.

The invocation was offered by Reverend D. Nick Sholars, pastor, First United Methodist Church, Katy.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business:

B. Keffer on motion of Raymond.

The following member was granted leave of absence for today because of illness:

Hope on motion of Hardcastle.

### **CAPITOL PHYSICIAN**

The speaker recognized Representatives Baxter and Casteel who presented Dr. Michael Lifshen of Austin and Dr. Kerri Charles of Conroe as the "Doctors for the Day."

The house welcomed Drs. Lifshen and Charles and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

#### **HCR 162 - ADOPTED (by Talton)**

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HCR 162**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 162**, Honoring the battleship Texas on the 55th anniversary of her arrival at the San Jacinto Battleground State Historic Site.

**HCR 162** was adopted without objection.

#### **HCR 159 - ADOPTED (by Hamric and Woolley)**

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HCR 159**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 159**, Honoring the life of Jay Jahnke of Houston.

**HCR 159** was unanimously adopted by a rising vote.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representatives Hamric and Woolley who introduced the family of Jay Jahnke.

#### **HR 624 - ADOPTED (by Wolens, et al.)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 624**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 624**, Honoring the life of Dallas firefighter Gerald Wayne Fields.

**HR 624** was unanimously adopted by a rising vote.

On motion of Representative Garza, the names of all the members of the house were added to **HR 624** as signers thereof.

**HR 625 - ADOPTED**  
**(by Wolens, et al.)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 625**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 625**, Honoring the life of Dallas firefighter Vincent Llyonell Davis.

**HR 625** was unanimously adopted by a rising vote.

On motion of Representative Garza, the names of all the members of the house were added to **HR 625** as signers thereof.

**HR 623 - ADOPTED**  
**(by Wolens, et al.)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 623**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 623**, Honoring the life of Dallas firefighter Michael Lee Depauw.

**HR 623** was unanimously adopted by a rising vote.

On motion of Representative Garza, the names of all the members of the house were added to **HR 623** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Wolens who introduced the family of Michael Lee Depauw.

**HR 622 - ADOPTED**  
**(by Wolens, et al.)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 622**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 622**, Honoring the life of Wayne Kevin Clarke.

**HR 622** was unanimously adopted by a rising vote.

On motion of Representative Garza, the names of all the members of the house were added to **HR 622** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Wolens who introduced the family of Wayne Kevin Clarke.

**HR 673 - ADOPTED**  
**(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 673**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 673**, Honoring Badora Caldwell of Austin on the occasion of her 100th birthday.

**HR 673** was adopted without objection.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of important business:

Eiland on motion of McCall.

**HR 668 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 668**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 668**, Honoring Judy Shepard for her noble works performed through the Matthew Shepard Foundation.

**HR 668** was adopted without objection.

**HR 577 - ADOPTED**  
**(by Casteel)**

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 577**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 577**, Congratulating Brittney Feltmann, New Braunfels Junior Miss for 2003-2004.

**HR 577** was adopted without objection.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Casteel who introduced Brittney Feltmann.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22).

**REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 157 ON THIRD READING  
(by Krusee, Mercer, and Gattis)**

**HB 157**, A bill to be entitled An Act relating to the powers and duties of a regional mobility authority.

A record vote was requested.

**HB 157** was passed by (Record 156): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hope; Keffer, B.

Absent — Davis, Y.; McClendon; Moreno, P.; Olivo; Talton.

**HB 227 ON THIRD READING  
(by Keel)**

**HB 227**, A bill to be entitled An Act relating to certain notice requirements in a court order providing for the possession of or access to a child.

**HB 227** was passed.

(Eiland now present)

**HB 254 ON THIRD READING**  
**(by Kolkhorst, Rose, Peña, and McCall)**

**HB 254**, A bill to be entitled An Act relating to venue in the prosecution of the offense of fraudulent use or possession of identifying information.

**HB 254** was passed.

**HB 296 ON THIRD READING**  
**(by Goodman)**

**HB 296**, A bill to be entitled An Act relating to petition requirements for an application for a place on the general primary election ballot for certain judicial candidates.

**HB 296** was passed.

**HB 320 ON THIRD READING**  
**(by Grusendorf, B. Brown, Hupp, et al.)**

**HB 320**, A bill to be entitled An Act relating to the refusal to administer or consent to the administration of certain psychiatric or psychological treatment to a child.

**HB 320** was passed.

**HB 398 ON THIRD READING**  
**(by Mowery)**

**HB 398**, A bill to be entitled An Act relating to the approval process for certain housing project sites proposed by public housing authorities.

**Amendment No. 1**

Representative Giddings offered the following amendment to **HB 398**:

Amend **HB 398**, second reading engrossment, as follows:

(1) On page 2, lines 16-17, strike "Subsection (d-1)" and substitute "Subsections (d-1) and (f)".

(2) On page 2, lines 21-22, strike "other than existing housing for persons of extremely low to moderate income.".

(3) On page 3, between lines 23 and 24, insert the following:

(f) This section does not apply to the acquisition of:

(1) existing multifamily rental housing, if any part of that housing is reserved for persons of extremely low to moderate income; or

(2) a permit, certificate, or other authorization required for the occupancy or operation of any part of existing multifamily rental housing described by Subsection (1).

(4) On page 4, between lines 15 and 16, insert the following:

(c) This section does not apply to the acquisition of existing multifamily rental housing, if any part of that housing is reserved for persons of extremely low to moderate income.

(5) On page 5, line 2, following the period, add "This subsection does not apply to the disposal of existing multifamily rental housing if any part of that housing is reserved for persons of extremely low to moderate income."

Amendment No. 1 was adopted without objection.

**HB 398**, as amended, was passed.

**HB 653 ON THIRD READING**  
(by J. Davis)

**HB 653**, A bill to be entitled An Act relating to a shampoo apprentice permit.

**HB 653** was passed.

**HB 900 ON THIRD READING**  
(by King)

**HB 900**, A bill to be entitled An Act relating to the operation of all-terrain vehicles by law enforcement officers.

**HB 900** was passed.

**HB 1195 ON THIRD READING**  
(by West)

**HB 1195**, A bill to be entitled An Act relating to the fee for a reissued certificate of compliance for an oil lease or gas well.

**HB 1195** was passed.

**HB 1378 ON THIRD READING**  
(by Geren)

**HB 1378**, A bill to be entitled An Act relating to the duties of the Texas Water Development Board and the executive administrator of the board.

**Amendment No. 1**

Representative Puente offered the following amendment to **HB 1378**:

Amend **HB 1378** on third reading as follows:

(1) On page 2, strike lines 22 through page 3, line 10 and substitute the following:

(n) Information collected through field investigations on a landowner's property by the executive administrator after September 1, 2003 solely for use in the development of groundwater availability models under subsection (1) of this section that reveals site-specific information about such landowner is not subject to Chapter 552, Government Code, and may not be disclosed to any person outside the board if the landowner on whose land the information is collected has requested in writing that such information be deemed confidential. If a landowner requests that his or her information not be disclosed, the executive administrator may release information regarding groundwater information only if the information is summarized in a manner that prevents the identification of an individual or specific parcel of land and the landowner. This subsection does not apply to a parcel that is publicly owned.

(Hamilton in the chair)

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HB 1378**, as amended, was passed by (Record 157): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton(C); Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Hope; Keffer, B.

Absent — Cook, B.; Kolkhorst; Moreno, P.

### **STATEMENT OF VOTE**

When Record No. 157 was taken, my vote failed to register. I would have voted yes.

B. Cook

### **HB 1471 ON THIRD READING (by Hartnett)**

**HB 1471**, A bill to be entitled An Act relating to the duties and removal of a trustee.

**HB 1471** was passed.

### **HB 1735 ON THIRD READING (by Delisi, Capelo, et al.)**

**HB 1735**, A bill to be entitled An Act relating to disease management services under certain state-funded or state-administered health plans.

A record vote was requested.

**HB 1735** was passed by (Record 158): 141 Yeas, 0 Nays, 1 Present, not voting.



Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton(C); Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Hope; Keffer, B.

Absent — Davis, Y.; Elkins; Luna; Moreno, P.; Villarreal.

#### STATEMENT OF VOTE

When Record No. 158 was taken, I was in the house but away from my desk. I would have voted yes.

Luna

#### HB 1208 ON THIRD READING (by Lewis)

**HB 1208**, A bill to be entitled An Act relating to the mitigation of traffic congestion on highways; providing penalties.

A record vote was requested.

**HB 1208** was passed by (Record 159): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton(C); Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon;

McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Hope; Keffer, B.

Absent — Burnam; Flores; Hochberg.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **HB 1118 ON SECOND READING (by Wohlgemuth, et al.)**

**HB 1118**, A bill to be entitled An Act relating to the enrollment of certain children and recipients of medical assistance in group health benefit plans.

**HB 1118** was read second time on March 31 and was postponed until 11 a.m. today.

Representative Wohlgemuth moved to postpone consideration of **HB 1118** until 11 a.m. Thursday, April 10.

The motion prevailed without objection.

### **GENERAL STATE CALENDAR HOUSE BILLS SECOND READING**

The following bills were laid before the house and read second time:

#### **CSHB 1191 ON SECOND READING (by Allen, King, Flores, Geren, and Baxter)**

**CSHB 1191**, A bill to be entitled An Act relating to the confidentiality of certain sensitive information.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **CSHB 1191 - (consideration continued)**

#### **CSHB 1191 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE GOODMAN: Ray, for purposes of legislative intent, is it intended that your bill would cover airports, and in particular the Dallas/Ft. Worth International Airport?

REPRESENTATIVE ALLEN: Yes, absolutely.

GOODMAN: And for purposes of legislative intent, has the open records division of the Attorney General's Office ruled that several Texas airports—in formal rulings—that, under the confidential bylaw section of the Public Information Act of the United States Code, that the Department of Homeland Security via the Transportation Safety Administration has prescribed regulations prohibiting the disclosure of information relating to transportation security research and development activities? Is that true?

ALLEN: That is true, Representative Goodman.

GOODMAN: And that federal law mandates that requests for sensitive security information be referred to the federal government and that state and open records laws do not apply?

ALLEN: That is correct to the best of my knowledge, and that is my legislative intent in this bill.

### REMARKS ORDERED PRINTED

Representative Goodman moved to print remarks between Representative Goodman and Representative Allen.

The motion prevailed without objection.

#### Amendment No. 1

Representative Allen offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191** as follows:

(1) On page 1, line 10, between "detecting," and "or", insert "responding to,".

(2) On page 2, between lines 26 and 27, insert:

Sec. 418.180. CONFIDENTIALITY OF CERTAIN INFORMATION PREPARED FOR UNITED STATES. Information in the possession of a governmental entity that was prepared at the request or direction of the United States and relates to an act of terrorism or related criminal activity is confidential.

(3) On page 2, line 27, strike "Sec. 418.180" and substitute "Sec. 418.181".

(4) On page 3, line 2, strike "Sections 418.176-418.179" and substitute "Sections 418.176-418.180".

#### Amendment No. 2

Representative Driver offered the following amendment to Amendment No. 1:

Amend **CSHB 1191** as follows:

In Sec. 418.180. between "States," and "and" insert "other than financial information,"

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

#### Amendment No. 3

Representative Baxter offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191** as follows:

(1) On page 1, line 5, strike "Sections 418.176-418.180" and substitute "Sections 418.176-418.181".

(2) On page 2, between lines 26 and 27, insert:

Sec. 418.180 CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CRITICAL INFRASTRUCTURE.

Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities to an act of terrorism described in a vulnerability assessment or other report.

(3) On page 2, line 27, strike "Sec. 418.180" and substitute "Sec. 418.181".

(4) On page 3, line 2, strike "Sections 418.176-418.179" and substitute "Sections 418.176-418.180".

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Geren offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191** as follows:

(1) On page 1, line 7, between "PROVIDERS." and "Information is", insert "(a)".

(2) On page 1, between lines 18 and 19, insert:

(b) In this section and Sections 418.177-418.180, "governmental entity" includes the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Geren offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191**, on page 3, between lines 11 and 12, by inserting:

(d) A governmental body subject to Chapter 551 is not required to conduct an open meeting to deliberate information to which this section applies. Notwithstanding Section 551.103(a), the governmental body must make a tape recording of the proceedings of a closed meeting to deliberate the information.

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative King offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191** by adding a new section to read as follows:

Sec. . CONFIDENTIALITY OF INFORMATION RELATING TO CERTAIN SECURITY SYSTEMS. Information in the possession of a governmental body is confidential if it relates to the details of a security system that is used to protect public or private property, including an access code to the property.

Amendment No. 6 was withdrawn.

**Amendment No. 7**

Representative King offered the following amendment to **CSHB 1191**:

Amend **CSHB 1191** as follows:

(1) On page 1, line 5, strike "Sections 418.176-418.180" and substitute "Sections 418.176-418.181".

(2) On page 2, between lines 26 and 27, insert:

Sec. 418.180. CONFIDENTIALITY OF INFORMATION RELATING TO CERTAIN SECURITY SYSTEMS. Information in the possession of a governmental entity is confidential if it relates to the details of a security system that is used to protect public or private property, including an access code to the property.

(3) On page 2, line 27, strike "Sec. 418.180" and substitute "Sec. 418.181".

(4) On page 3, line 2, strike "Sections 418.176-418.179" and substitute "Sections 418.176-418.180".

Amendment No. 7 was withdrawn.

**CSHB 1191**, as amended, was passed to engrossment.

**HB 1221 ON SECOND READING**

**(by Telford, Homer, Merritt, Mabry, and Hopson)**

**HB 1221**, A bill to be entitled An Act relating to an exclusion from unemployment compensation chargebacks based on a separation from employment resulting from an employer being called to active military duty.

**HB 1221** was passed to engrossment.

**HB 1083 ON SECOND READING**

**(by Baxter, et al.)**

**HB 1083**, A bill to be entitled An Act relating to the prompt production of public information under the public information law.

**HB 1083** was passed to engrossment.

**CSHB 724 ON SECOND READING**

**(by Hochberg)**

**CSHB 724**, A bill to be entitled An Act relating to civil liability of alcoholic beverage providers for providing alcoholic beverages to certain individuals.

**CSHB 724** was passed to engrossment.

**HB 1060 ON SECOND READING**

**(by Thompson, et al.)**

**HB 1060**, A bill to be entitled An Act relating to prohibiting the promotion of certain improper photographs or visual recordings; providing a penalty.

**HB 1060** was passed to engrossment.

**HB 538 ON SECOND READING****(by Hope, et al.)**

**HB 538**, A bill to be entitled An Act relating to the funding of alternative dispute resolution systems.

Representative Hardcastle moved to postpone consideration of **HB 538** until 10 a.m. Monday, April 7.

The motion prevailed without objection.

**HB 1369 ON SECOND READING****(by Baxter and Crabb)**

**HB 1369**, A bill to be entitled An Act relating to the local registration of retail electric providers.

**HB 1369** was passed to engrossment.

**CSHB 258 ON SECOND READING****(by Pickett, McClendon, Peña, P. Moreno, Dukes, et al.)**

**CSHB 258**, A bill to be entitled An Act relating to correcting errors in the distribution of benefits by a public retirement system.

**CSHB 258** was passed to engrossment.

**CSHB 89 ON SECOND READING****(by McClendon, Menendez, Naishtat, E. Jones, Crownover, et al.)**

**CSHB 89**, A bill to be entitled An Act relating to a leave of absence for certain state employees who are donating an organ or bone marrow.

**CSHB 89** was passed to engrossment.

**HB 530 ON SECOND READING****(by Giddings, Dutton, McCall, Turner, and Olivo)**

**HB 530**, A bill to be entitled An Act relating to prohibiting the legislature from meeting on Martin Luther King, Jr., Day.

**HB 530** was passed to engrossment.

**HB 32 ON SECOND READING****(by Hodge)**

**HB 32**, A bill to be entitled An Act relating to certain writs of habeas corpus based solely on a claim of a time-served credit error.

**HB 32** was passed to engrossment.

**HB 864 ON SECOND READING****(by Kolkhorst)**

**HB 864**, A bill to be entitled An Act relating to prohibiting the introduction or possession of certain items in correctional facilities or on certain property of the Texas Department of Criminal Justice; providing penalties.

(Bohac in the chair)

**HB 864 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ALLEN: If this is such a bad bill, why did you file that and why did I pass it out of committee?

REPRESENTATIVE KOLKHORST: I don't know—

ALLEN: I'm worrying about that now. Let me see if we can clarify what our concern was and what your bill does. Your bill arises out of an incident in which someone came on to the general prison property and threw out a gun next to a fence where a person, who was outside the perimeter of the prison, walking next to the fence—a trustee for example—could then gain access to that firearm, shove it through the fence or toss it over the fence, and give access to that firearm to an inmate. Isn't that pretty much the story?

KOLKHORST: Yes.

ALLEN: And then the other issue is a cell phone, which someone could use to arrange an escape, for example, like call a friend who rents a helicopter and comes in and does an escape. That's actually been done in a prison, hasn't it?

KOLKHORST: Yes.

ALLEN: So, we're not talking about people who have concealed handgun licenses. The bill is not about dove hunters who come on to the facility with the permission of the warden; and in fact, if I understand what's happened, historically the warden is always hunting with you.

KOLKHORST: I haven't been on one of those hunts, so—

ALLEN: I've never been invited either. Perhaps Representative Ellis could fix that for me. But, the point is, that we're looking at contraband, not definitions of premises, concealed handgun licenses; we're looking at allowing the prosecution of people who bring contraband, essentially with the intent of getting it in to inmates. Isn't that correct?

KOLKHORST: That is correct, and those are already defined in the statute. And let me clarify something Mr. Chairman, this bill is not correcting anything with our current inmates. It is trying to help us, in a way, prosecute the people who are supplying these things to inmates or some way bringing the contraband in. And it is not an enhancement of any penalties to an inmate; it is helping us try to redirect the people that we feel like are supplying these contraband issues and in many ways I think that the inmate is having, it is used to hold over the inmate's head and we are trying to deter that type of activity.

ALLEN: My recollection is, is that when this bill was before our committee, there was no opposition registered to the bill from anyone. Isn't that correct?

KOLKHORST: There was no opposition. Y'all asked a lot of questions and we had quite a lot of clarifications.

ALLEN: And the bill was voted out of committee unanimously. Wasn't that correct?

KOLKHORST: A couple of weeks later, yes.

**REMARKS ORDERED PRINTED**

Representative Howard moved to print remarks between Representative Kolkhorst and Representative Allen.

The motion prevailed without objection.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Nixon moved to suspend the five day posting rule to allow the Committee on Civil Practices to consider **HB 2813**.

The motion prevailed without objection.

**HB 864 - (consideration continued)****Amendment No. 1**

Representative Thompson offered the following amendment to **HB 864**:

Amend **HB 864** on page 3, between lines 1 and 2, by inserting:

(c) The Texas Department of Criminal Justice, as soon as practicable after the effective date of this Act, shall install or require the installation of metal detectors at the main entrances to each correctional facility operated by or under contract with the department.

Amendment No. 1 was withdrawn.

**HB 864** was passed to engrossment.

**CSHB 1231 ON SECOND READING**

**(by Geren, Seaman, Oliveira, Luna, and Dawson)**

**CSHB 1231**, A bill to be entitled An Act relating to management of the Gulf Coast Intracoastal Waterway.

**CSHB 1231** was passed to engrossment.

**CSHB 1236 ON SECOND READING**

**(by Hopson)**

**CSHB 1236**, A bill to be entitled An Act relating to information required to be placed in a pen packet accompanying a defendant on transfer from county jail to the Texas Department of Criminal Justice.

**CSHB 1236** was passed to engrossment.

**CSHB 1849 ON SECOND READING**

**(by Allen)**

**CSHB 1849**, A bill to be entitled An Act relating to the revocation process for certain persons released from the Texas Department of Criminal Justice on parole or mandatory supervision.

Representative Allen moved to postpone consideration of **CSHB 1849** until 11 a.m. tomorrow.

The motion prevailed without objection.



**HB 1536 ON SECOND READING**  
**(by Reyna and Goodman)**

**HB 1536**, A bill to be entitled An Act relating to certain communication with and access to a child following termination of the parent-child relationship.

**HB 1536** was passed to engrossment.

**CSHB 1075 ON SECOND READING**  
**(by McCall)**

**CSHB 1075**, A bill to be entitled An Act relating to criminal history record information for state agency information technology personnel.

**CSHB 1075** was passed to engrossment.

**CSHB 1117 ON SECOND READING**  
**(by J. Keffer, Seaman, et al.)**

**CSHB 1117**, A bill to be entitled An Act relating to the clarification by a county of the existence of a public interest in certain roads.

**CSHB 1117** was passed to engrossment.

**HB 1282 ON SECOND READING**  
**(by McCall, Menendez, Casteel, West, Rose, et al.)**

**HB 1282**, A bill to be entitled An Act relating to commercial electronic mail; providing penalties.

**Amendment No. 1**

Representative McCall offered the following amendment to **HB 1282**:

Amend **HB 1282** by striking page 6, line 23, through page 7, line 8, and substituting the following:

Sec. 46.011. IMMUNITY FROM LIABILITY. (a) In this section, "telecommunications utility" has the meaning assigned by Section 51.002, Utilities Code.

(b) A telecommunications utility or an electronic mail service provider may not be held liable under Section 46.002 or 46.003 and is not subject to the penalties provided under this chapter.

(c) A person injured by a violation of this chapter does not have a cause of action against a telecommunications utility or an electronic mail service provider under this chapter solely because the utility or provider:

(1) is an intermediary between the sender, or any person acting on behalf of the sender, and the recipient in the transmission of electronic mail that violates this chapter;

(2) provides transmission, routing, relaying, handling, or storing, through an automatic technical process, of an unsolicited commercial electronic mail message through the utility's or provider's computer network or facilities; or

(3) provides telecommunications services, information services, or other services used in the transmission of an electronic mail message that violates this chapter.

(d) An electronic mail service provider may not be held liable for an action taken in good faith under Section 46.010.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative McCall offered the following amendment to **HB 1282**:

Amend **HB 1282** as follows:

(1) On page 2, line 26, between "not" and "transmit", insert "intentionally".

(2) On page 3, line 6, between "not" and "send", insert "intentionally".

(3) On page 3, line 10, between "not" and "take", insert "intentionally".

(4) On page 4, line 6, between "person" and "takes", insert "intentionally".

(5) On page 7, between lines 8 and 9, insert the following:

(c) A person may not be held liable under this chapter for a commercial electronic mail message that is sent as a result of an error or accidental transmission.

Amendment No. 2 was adopted without objection.

**HB 1282**, as amended, was passed to engrossment.

### **HB 872 ON SECOND READING**

**(by Denny)**

**HB 872**, A bill to be entitled An Act relating to the dates on which elections may be held.

#### **Amendment No. 1**

Representative Denny offered the following amendment to **HB 872**:

Amend **HB 872** as follows:

(1) On page 1, line 10, strike "first" and substitute "third [~~first~~"]".

(2) On page 3, line 18, immediately after "date", add "or on the first Saturday in May".

### **HB 872 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE TURNER: Representative Denny, let me go back to the line of questioning between you and Representative Bailey, with regards to the city of Houston on their situation where someone either resigns, or the position becomes vacant on city council, and we now will have a special election, like in January, I think, if there is more than one year remaining on your term. Would this bill override the provisions that presently exist for the city of Houston? And, if it does, would you be willing to accept an amendment on third reading so that the city of Houston's provisions remain intact?

REPRESENTATIVE DENNY: Right. Yeah, I certainly would entertain that. Certainly on a third reading amendment we want to make sure we don't mess anything up that you all are currently doing. And I've got, Mr. Turner, the exceptions, the other six exceptions that are allowed because the only one that we mean to eliminate here are the exceptions to the school districts and colleges. That is the only one we're touching, and I've got the election code here with me.

TURNER: Well, if we can just have an understanding that to the degree, the bill—as it presently reads—would override the special election provision as it relates to the city of Houston, that we can correct that on third reading, then I'm fine with that understanding.

DENNY: OK. Sure.

TURNER: The other thing that I want to get clear on is that we are reducing those election dates to May and November once this bill takes effect.

DENNY: That is correct.

TURNER: And the reason why we are doing that is for what purpose?

DENNY: Well, to hopefully increase voter participation, to eliminate confusion among voters, and to help reduce costs to our local governments because they are the ones who have to pay for all of these elections. You know, the state really does not pay for our elections except for our primaries. It is our local governments that have to bear the costs of all of these elections.

TURNER: So when the elections, for example, are held in August, or whenever they hold these elections, the local jurisdictions are the ones who are picking up the tab for the costs?

DENNY: That is correct.

TURNER: Do you have the information before you on how much it costs when we are having these statewide, these elections on these different dates—what the average cost would be?

DENNY: Well, I have averages that say they can be, of course, very little if it's a small town, but they can certainly run as much as from \$700,000 to \$1.2 million a year in a city as large as Dallas and Dallas County.

TURNER: So, for example, when the elections are held on these off-dates, so to speak, for Dallas County—and I would think for Harris County, too—the amount could be as much as \$1.2 million?

DENNY: It certainly can be and, of course, it helps when the entities—as Harris County does—combine and have their county clerk or elections administrator run the election for the city, the school districts, the county. That does help reduce costs.

TURNER: Right. And that cost would be borne, let's say by Harris County, and not by the state?

DENNY: The state does not pay that. Your local taxpayers pay that.

TURNER: How would you feel, Representative Denny, if we, for example—I think the bill is scheduled to take effect, would it be in October?

DENNY: That is correct.

TURNER: How would you feel, for example, if we gave immediate effect to the bill?

DENNY: That is not possible because entities of government have already got elections planned. You know, you don't say, "ooh, we need to have an election" and it takes place tomorrow. There's planning and funding that must take place, and that would not be fair to these governmental entities that have already planned and financed elections—especially school districts with bond elections planned. If we had it take immediate effect, that would mess them up. This bill was carefully crafted, several months ago. We've been working on this with the effective dates carefully planned to allow all the small towns, small school districts, plenty of time to put it into effect.

TURNER: Do you know of any elections that are set, for example, in September—other than, if we exclude any legislation that has gone through this process, are there any elections that are presently set for September?

DENNY: There are some bond elections.

TURNER: That are presently set?

DENNY: Yeah.

TURNER: And for bond elections for—

DENNY: School districts.

TURNER: Are they widespread or are they just—

DENNY: I don't know how widespread they are.

Amendment No. 1 was adopted without objection.

### **REMARKS ORDERED PRINTED**

Representative Turner moved to print remarks between Representative Turner and Representative Denny.

The motion prevailed without objection.

### **Amendment No. 2**

Representative Gallego offered the following amendment to **HB 872**:

Amend **HB 872** as follows:

- (1) On page 3, line 17, strike "October" and substitute "September".
- (2) On page 3, line 23, strike "October" and substitute "September".

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representative Gallego offered the following amendment to **HB 872**:

**HB 872** is amended as follows:

- (1) On page 3, line 17, strike "October" and substitute "September".
- (2) On page 3, line 23, strike "October" and substitute "September".
- (3) On page 3, line 24, after the period, add "This Act does not invalidate an election ordered by a political subdivision before the effective date of this Act to be held on a date authorized by the law in effect when the election was ordered."

(Speaker in the chair)

Representative Denny moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 160): 80 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Geren; Giddings; Goodman; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, J.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hope; Keffer, B.

Absent — Allen; Edwards; Oliveira; Pickett; Smithee.

### STATEMENT OF VOTE

When Record No. 160 was taken, my vote failed to register. I would have voted yes.

Allen

**HB 872**, as amended, was passed to engrossment.

### RESOLUTIONS CALENDAR

The following resolutions were laid before the house on committee report:

#### HCR 75

(by Eissler, Branch, Bonnen, Griggs, Stick, et al.)

**HCR 75**, Memorializing the U.S. Congress to support President Bush's policies of war on terrorism, homeland security, and disarmament action against Iraq.

#### Amendment No. 1

Representative Gallego offered the following amendment to **HCR 75**:

Amend **HCR 75** on page 1, between lines 23 and 24, by inserting:

WHEREAS, We support the First Amendment to our Constitution and acknowledge that freedom of speech is a cornerstone of our democracy where people have the freedom to express their points of view for and against any action taken by their government; and

WHEREAS, There are many Americans who love this country and support our troops but do not support the administration's policy in Iraq, this resolution does not question the patriotism of those who exercise their rights under the First Amendment to speak their consciences; and

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Gallego offered the following amendment to **HCR 75**:

Amend **HCR 75** on page 2, line 1, by striking "these several" and substituting "several of these".

Representative Eissler moved to table Amendment No. 2.

The motion to table prevailed.

#### **Amendment No. 3**

Representative Y. Davis offered the following amendment to **HCR 75**:

Amend **HCR 75** on page 2 by striking lines 3 and 4 substituting:  
Congress to unify the nation as it confronts the grave problems of national and

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Burnam offered the following amendment to **HCR 75**:

Amend **HCR 75** by striking the resolution and substituting the following:

WHEREAS, We support our men and women in the armed forces 100 percent. We salute them for their sacrifice on behalf of our nation. We thank them for their willingness to risk their lives; and

WHEREAS, Even as we praise our servicemen and women, we regret that the President of the United States has ordered them to start a preemptive war fought without international support; and

WHEREAS, We believe a preemptive, unilateral war is unworthy of the honor and tradition of the U.S. military. Our armed forces should not be invading and occupying other countries; and

WHEREAS, The House Budget Committee voted to cut the Department of Veterans Affairs' budget by \$14 billion over the next 10 years; and

WHEREAS, The House Budget Committee voted to cut the Impact Aid program that supports the education of soldiers' children by \$204 million; and

WHEREAS, The Bush Administration ordered the Department of Veterans Affairs to limit veterans' access to healthcare and benefits by ordering VA to stop publicizing the availability of benefits; and

WHEREAS, In the last Gulf War, veterans were exposed to the fall out from destroyed chemical weapons, ammunition depots, oil fires, depleted uranium and experimental drugs resulting in the disabling of more than 163,000 veterans, and;

WHEREAS, Despite the requirements of the 1997 Force Health Protection law (Public Law 105–85), the Department of Defense is repeating the mistakes from 1991 by failing to identify who went to war, their exposures, and their health consequences; and,

WHEREAS, An offensive war and budget cuts demonstrate that Congress and the President have thus far failed to provide support for veterans and families of active duty troops and reservists; now, therefore, be it

RESOLVED, We call for an increase in government spending for veterans and higher pay and benefits for service members and their families; and, be it further

RESOLVED, That we urge our government to adopt a foreign policy that achieves victory through diplomacy and engagement with the United Nations and democracies rather than resorting to war as the first option to resolve disputes. Avoiding and ending unnecessary combat in Iraq is the best way to support our troops and ensure their safe and speedy return home; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

Amendment No. 4 was withdrawn.

A record vote was requested.

**HCR 75**, as amended, was adopted by (Record 161): 136 Yeas, 3 Nays, 6 Present, not voting.

Yeas — Mr. Speaker(C); Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Moreno, P.; Rodriguez.

Present, not voting — Dukes; Dutton; Farrar; Luna; Moreno, J.; Noriega.

Absent, Excused — Hope; Keffer, B.

Absent — Coleman; Davis, Y.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 161. I intended to vote present, not voting.

Hodge

### HCR 15

(by Woolley, Christian, Bohac, Crabb, et al.)

**HCR 15**, Directing the State Board of Education to consider including personal finance knowledge among the essential knowledge and skills in the required public school curriculum.

#### Amendment No. 1

Representative Woolley offered the following amendment to **HCR 15**:

Amend **HCR 15** by striking the Resolving clauses that begin on page 3, line 25, and continue through page 4, line 5, and inserting the following:

RESOLVED, That the 78th Legislature of the State of Texas hereby directs the State Board of Education to implement the inclusion of elements relating to personal finance among the essential knowledge and skills in the required public school curriculum, and to adopt and promote a personal finance education program that provides public school districts with textbook selections to assist in the program's implementation; and, be it further

RESOLVED, That the Texas Education Agency and the State Board of Education, in cooperation with school administrators, teachers, parents, business leaders, and concerned citizens, immediately begin:

(1) exploring ways to teach in a meaningful way a financial literacy program that includes such topics as budgeting, consumer economics, insurance, investing principles, managing credit, monetary policy, financial planning, retirement savings, consumer loans, and mortgages; and

(2) reviewing existing financial literacy programs and materials that are available, with the aim of formalizing a personal money management course; and, be it further

RESOLVED, That the State Board of Education submit a full report concerning the inclusion of elements relating to personal finance among the essential knowledge and skills in the required public school curriculum to the Texas Legislature no later than September 30, 2004; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the chair of the State Board of Education and the commissioner of education of the Texas Education Agency.

Amendment No. 1 was adopted without objection.

**HCR 15**, as amended, was adopted.



**FIVE DAY POSTING RULE SUSPENDED**

Representative Corte moved to suspend the five day posting rule to allow the Committee on Defense Affairs and State-Federal Relations to consider **SB 583**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, will reconvene upon recess today, E2.016, for a public hearing, to complete today's posted agenda.

Appropriations, will reconvene 30 minutes after recess, E1.030.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Flores moved to suspend the five day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 1218**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Border and International Affairs, upon recess today, E1.014, for a public hearing.

Economic Development, 30 minutes after recess today, E2.028, for a public hearing.

**PROVIDING FOR RECESS**

Representative Raymond moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Sam Attlesley of Dallas.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Edwards in the chair)

**RECESS**

In accordance with a previous motion, the house, at 2:34 p.m., recessed until 9 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 1598** (By Madden), Relating to local option elections relating to the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 1656** (By Wohlgemuth), Relating to a local option election for the sale of certain alcoholic beverages in certain cities or towns located in more than one county.

To Licensing and Administrative Procedures.

**HB 1659** (By Goodman), Relating to certain procedures for local option elections.

To Licensing and Administrative Procedures.

**HB 1992** (By B. Brown), Relating to a local option election for the sale of alcoholic beverages in cities or towns located in more than one county.

To Licensing and Administrative Procedures.

**HB 2077** (By Driver), Relating to a local option election for the sale of certain alcoholic beverages in certain cities or towns located in more than one county.

To Licensing and Administrative Procedures.

**HB 2314** (By Allen), Relating to certain local option elections for certain cities located in more than one county.

To Licensing and Administrative Procedures.

**HB 2315** (By Allen), Relating to certain local option elections for certain cities located in more than one county.

To Licensing and Administrative Procedures.

**HB 2502** (By Flores), Relating to local option elections for the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 3501** (By Raymond), Relating to customs brokers and export documentation; providing penalties.

To Ways and Means.

**HB 3502** (By J. Moreno), Relating to the driving record of the holder of a commercial driver's license and the operation of commercial motor vehicles; creating an offense.

To Law Enforcement.

**HB 3503** (By Hartnett), Relating to trusts.

To Judicial Affairs.

**HB 3504** (By J. Davis), Relating to procedural and technical corrections and clarification of the Property Tax Code, procedures for the seizure of property, and distribution of tax sale proceeds.

To Local Government Ways and Means.

**HB 3505** (By Marchant), Relating to deferred presentment transactions.

To Financial Institutions.

**HB 3506** (By Marchant), Relating to renumbering or relettering certain provisions of enacted codes.

To State Affairs.

**HB 3509** (By Flores), Relating to the sale of service contracts.

To Licensing and Administrative Procedures.

**HB 3510** (By Flores), Relating to the abolition of certain water control and improvement districts.

To Natural Resources.

**HB 3511** (By Flores), Relating to the possession, storage and sale of motor vehicles, motorboats, vessels, or outboard motors.

To Business and Industry.

**HB 3512** (By Solis), Relating to the treatment of certain private primary or secondary schools as charitable organizations for certain purposes.

To Civil Practices.

**HB 3513** (By Solis), Relating to the higher education coordinating board and higher education funding formulas.

To Higher Education.

**HB 3514** (By Solis), Relating to to an interim committee on higher education formula funding.

To Higher Education.

**HB 3515** (By Solis), Relating to a franchise tax credit for certain investors that provide venture capital financing.

To Ways and Means.

**HB 3516** (By Rose), Relating to the immediate qualification of certain land used for wildlife management for ad valorem tax appraisal as qualified open-space land.

To Local Government Ways and Means.

**HB 3517** (By Gallego), Relating to exclusion of jails or correctional facilities housing only federal prisoners.

To Corrections.

**HB 3518** (By Gallego), Relating to the consolidation of the Office of Court Administration of the Texas Judicial System, the Judicial Committee on Information Technology, and the Texas Judicial Council.

To Judicial Affairs.

**HB 3520** (By Lewis), Relating to the composition of bail bond boards.

To County Affairs.

**HB 3521** (By Paxton), Relating to destructive human embryo research; providing criminal penalties.

To State Affairs.

**HB 3522** (By Delisi), Relating to unfunded mandates.

To State Affairs.

**HB 3523** (By Delisi), Relating to the creation, operation, administration, powers, duties, and financing of the Temple Health and Biosciences Economic Development District and Authority; providing the certain authorities.

To Economic Development.

**HB 3524** (By Hamric), Relating to the apportionment of municipal infrastructure improvement costs to developers.

To Land and Resource Management.

**HB 3525** (By Hamric), Relating to longevity pay for certain local employees.

To County Affairs.

**HB 3526** (By Hamric, Heflin, Thompson, J. Moreno, Woolley, et al.), Relating to the establishment of the research development fund to promote research at certain institutions of higher education and to the abolition of the Texas excellence fund and the university research fund.

To Higher Education.

**HB 3528** (By Hartnett), Relating to civil actions for public nuisances.

To Civil Practices.

**HB 3529** (By Kolkhorst), Relating to the existing debt allotment for public schools.

To Public Education.

**HB 3530** (By Delisi), Relating to certain communications with state employees, agents, contractors and sub-contractors.

To Elections.

**HB 3532** (By Laubenberg), Relating to title insurance.

To Insurance.

**HB 3533** (By Laubenberg), Relating to the operation and regulation of the workers' compensation system.

To Business and Industry.

**HB 3534** (By Laubenberg, Paxton, Hegar, and Homer), Relating to the definition of "place of business of the retailer" for purposes of collecting local sales and use taxes.

To Local Government Ways and Means.

**HB 3535** (By Laubenberg), Relating to certain administrative penalties assessed by the Texas Department of Health.

To Public Health.

**HB 3536** (By Laubenberg), Relating to the offense of making a terroristic threat through electronic communication or other means.

To Criminal Jurisprudence.

**HB 3537** (By Laubenberg and Paxton), Relating to providing water services within the extraterritorial jurisdiction or ultimate planning boundaries of municipalities.

To Natural Resources.

**HB 3538** (By Laubenberg and Paxton), Relating to appraisals acquired by municipalities from rural water supply corporations.

To Natural Resources.

**HB 3539** (By Laubenberg, Denny, and Paxton), Relating to the extent of extraterritorial jurisdiction of certain municipalities.

To Land and Resource Management.

**HB 3540** (By Chavez), Relating to a refund of an overpayment or erroneous payment of ad valorem taxes by a tax collector who performs consolidated tax collection functions.

To Local Government Ways and Means.

**HB 3541** (By Laubenberg), Relating to the petition requirements for elections.

To Elections.

**HB 3542** (By Laubenberg), Relating to the regulation of milk and milk products.

To Public Health.

**HB 3543** (By Olivo), Relating to the electronic payroll deduction for state employee dues.

To State Affairs.

**HB 3544** (By Gutierrez), Relating to establishing a pilot program to prevent certain juveniles from crossing the border between this state and Mexico.

To Border and International Affairs.

**HB 3545** (By Hamric), Relating to the conversion of a non-tolled state highway to a toll facility.

To Transportation.

**HB 3546** (By Hamric), Relating to the exemption from ad valorem taxation of certain property used to provide low-income or extremely low-income housing.

To Local Government Ways and Means.

**HB 3547** (By Hamric), Relating to the North Harris County Regional Water Authority.

To Natural Resources.

**HB 3548** (By J. Keffer), Relating to economic development financing, programs, and incentives.

To Economic Development.

**HB 3550** (By Delisi), Relating to the definition of gross premiums for certain health insurance providers.

To Insurance.

**HB 3551** (By Chavez), Relating to the authority of a municipality to use commercial paper instead of certificates of obligation.

To Urban Affairs.

**HB 3552** (By Gallego, P. Moreno, Luna, Solis, and Chavez), Relating to naming the school of pharmacy at Texas A&M University–Kingsville after Irma Rangel.

To Higher Education.

**HB 3553** (By B. Brown), Relating to the creation of an additional county court at law in Henderson County.

To Judicial Affairs.

**HB 3554** (By Raymond), Relating to motor vehicle inspection facilities near the border of this state and Mexico.

To Transportation.

**HB 3555** (By Thompson), Relating to the creation of the Harris County Road Improvement District No. 2; providing authority to impose a tax and issue bonds.

To Transportation.

**HB 3556** (By Campbell), Relating to management of and certain actions and proceedings of the Sterling County Underground Water Conservation District.

To Natural Resources.

**HB 3557** (By Hamilton and Deshotel), Relating to the county courts at law in Orange County.

To Judicial Affairs.

**HB 3558** (By Hilderbran), Relating to the Ballinger Memorial Hospital District.

To County Affairs.

**HB 3559** (By Gattis), Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 13.

To Natural Resources.

**HB 3560** (By Gattis), Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 12.

To Natural Resources.

**HB 3561** (By Bonnen), Relating to public works contracts of the Angleton-Danbury Hospital District.

To County Affairs.

**SB 115** to Insurance.

**SB 144** to Public Health.

**SB 338** to Licensing and Administrative Procedures.

**SB 693** to Business and Industry.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HJR 90** (By Bonnen), Proposing a constitutional amendment to provide for the exemption from ad valorem taxation of public property used for a public purpose, as defined by the legislature.

To Local Government Ways and Means.

**HB 1629** (By J. Keffer), Relating to the regulation of certain chemical precursors under the Texas Controlled Substances Act.

To Public Health.

**HB 2297** (By Uresti), Relating to the manner in which the roll of members-elect is called when a house of the legislature convenes in regular session.

To Elections.

**HB 2510** (By Hardcastle), Relating to criminal offenses involving acts against certain activities involving animals or crops.

To Agriculture and Livestock.

**HB 3121** (By Capelo), Relating to making ephedrine and plant materials containing ephedrine alkaloids Schedule V controlled substances.

To Public Health.

**HB 3138** (By Wilson), Relating to the classification of ephedra as a dangerous drug.

To Public Health

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 22****HCR 43, HCR 96, HCR 157****MESSAGE FROM THE SENATE**

The following message from the senate was today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, April 2, 2003

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****SB 132** Zaffirini

Relating to the replacement and repair of existing cattle guards on county roads.

**SB 264** Lucio

Relating to the continuation of the Texas Department of Housing and Community Affairs and to certain application evaluations performed by the department.

**SB 618** Shapleigh

Relating to the consequences of a public school's being considered low-performing.

**SB 946** Ogden

Relating to certain requirements for obtaining a driver's license for persons completing certain driver education courses.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 1**

Agriculture and Livestock - **HB 1324**

Energy Resources - **HB 1616, HB 2021**



Financial Institutions - **HJR 23**

Judicial Affairs - **SB 749**

Licensing and Administrative Procedures - **HB 948, HB 1056, HB 1264, HB 1401, HB 1508, HB 1625, HB 1754**

Natural Resources - **HB 1152, HB 1370, HB 1832, HB 2300**

Urban Affairs - **HJR 61**

**ENGROSSED**

**April 1 - HB 9, HB 11, HB 13, HB 14, HB 42, HB 156, HB 171, HB 242, HB 274, HB 297, HB 301, HB 319, HB 374, HB 392, HB 554, HB 562, HB 616, HB 618, HB 619, HB 647, HB 754, HB 823, HB 831, HB 854, HB 888, HB 1011, HB 1024, HB 1119**

**ENROLLED**

**April 1 - HCR 43, HCR 96, HCR 155, HCR 157**

**SENT TO THE GOVERNOR**

**April 1 - HCR 152, HCR 155**

**SIGNED BY THE GOVERNOR**

**April 1 - HCR 80, HCR 87, HCR 109, HCR 126, HCR 148**

